

# REVIEW FOR APPLICABILITY OF/COMPLIANCE WITH ORDINANCES/POLICIES

FOR PURPOSES OF CONSIDERATION OF  
Hamerslag Minor Subdivision  
PDS2015-TPM-21232; PDS2015-ER-15-08-023

June 22, 2017

**I. HABITAT LOSS PERMIT ORDINANCE** – Does the proposed project conform to the Habitat Loss Permit/Coastal Sage Scrub Ordinance findings?

YES  
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NO  
☐

NOT APPLICABLE/EXEMPT  
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While the proposed project and off-site improvements are located outside of the boundaries of the Multiple Species Conservation Program and the project site and locations of any off-site improvements contain habitats subject to the Habitat Loss Permit/Coastal Sage Scrub Ordinance, the project has found to be exempt based on the direction from the Agencies letter dated March 17, 2004. To support the exemption, the following required findings have been made and the USFWS and CDFW have concurred:

- The loss of coastal sage scrub is less than one acre
- The habitat is not occupied by the California gnatcatcher
- The project occurs in low value habitat or medium value habitat outside of identified preserve planning areas
- The habitat loss will not preclude the design or prevent the preparation of the subregional NCCP reserve system.

**II. MSCP/BMO** - Does the proposed project conform to the Multiple Species Conservation Program and Biological Mitigation Ordinance?

YES  
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NO  
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NOT APPLICABLE/EXEMPT  
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The proposed project and any off-site improvements related to the proposed project are located outside of the boundaries of the Multiple Species Conservation Program. Therefore, conformance with the Multiple Species Conservation Program and the Biological Mitigation Ordinance is not required.

**III. GROUNDWATER ORDINANCE** - Does the project comply with the requirements of the San Diego County Groundwater Ordinance?

YES  
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NO  
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NOT APPLICABLE/EXEMPT  
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The project will obtain its water supply from the Rancho Santa Fe Irrigation District which obtains water from surface reservoirs and/or imported sources. The project will not use any groundwater for any purpose, including irrigation or domestic supply.

**IV. RESOURCE PROTECTION ORDINANCE** - Does the project comply with:

The wetland and wetland buffer regulations (Sections 86.604(a) and (b)) of the Resource Protection Ordinance?

YES  
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NO  
☐

NOT APPLICABLE/EXEMPT  
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The Floodways and Floodplain Fringe section (Sections 86.604(c) and (d)) of the Resource Protection Ordinance?

YES  
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NO  
☐

NOT APPLICABLE/EXEMPT  
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The Steep Slope section (Section 86.604(e))?

YES  
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NO  
☐

NOT APPLICABLE/EXEMPT  
☐

The Sensitive Habitat Lands section (Section 86.604(f)) of the Resource Protection Ordinance?

YES  
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NO  
☐

NOT APPLICABLE/EXEMPT  
☐

The Significant Prehistoric and Historic Sites section (Section 86.604(g)) of the Resource Protection Ordinance?

YES  
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NO  
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NOT APPLICABLE/EXEMPT  
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**Wetland and Wetland Buffers:** Even though wetlands and/or wetland buffer areas have been identified on the subject property, the project has been found to be consistent with Article IV of the Resource Protection Ordinance, due to the following reasons: a) the project would not result in the placement of any non-permitted uses within wetlands; b) the project would not result in grading, filling, construction, or placement of structures within identified wetlands; and c) the project would not result in any non-permitted uses within wetland buffer areas. Therefore, it has been found that the proposed project complies with Sections 86.604(a) and (b) of the Resource Protection Ordinance.

The site contains 0.04 acres of wetland marsh and 78 linear feet of a wetland waterway, which if disturbed would result in a significant impact. The entire area of marsh and waterway will be placed in an open space easement prior to issuance of improvement or grading plans or prior to recordation of the Parcel Map, whichever comes first. There will be no net loss of wetlands and therefore no significant impact will occur. Therefore, it has been found that the proposed project complies with Sections 86.604(a) and (b) of the Resource Protection Ordinance.

**Floodways and Floodplain Fringe:** The project is not located near any floodway or floodplain fringe area as defined in the resource protection ordinance, nor is it near a watercourse plotted on any official County floodway or floodplain map.

**Steep Slopes:** Slopes with a gradient of 25 percent or greater and 50 feet or higher in vertical height are required to be placed in open space easements by the San Diego County Resource Protection Ordinance (RPO). There are steep slopes on the property which qualify as RPO steep slopes. Therefore, it has been found that the proposed project complies with Sections 86.604(e) of the RPO.

**Sensitive Habitats:** No sensitive habitat lands were identified on the site as determined on a site visit conducted by Michael Jefferson of Blue Consulting on March 17, 2016. Therefore, it has been found that the proposed project complies with Section 86.604(f) of the RPO.

**Significant Prehistoric and Historic Sites:** Based on an analysis of records (including archaeological surveys) maintained by the County and the South Coastal Information Center, it has been determined that the property does not contain any archaeological and/or historical sites. Therefore, it has been found that the proposed project complies with Section 86.604(g) of the RPO.

**V. STORMWATER ORDINANCE (WPO)** - Does the project comply with the County of San Diego Watershed Protection, Stormwater Management and Discharge Control Ordinance (WPO)?

YES  
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NO  
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NOT APPLICABLE  
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Yes – The project Storm Water Management Plan has been reviewed and is found to be complete and in compliance with the WPO.

**VI. NOISE ORDINANCE** – Does the project comply with the County of San Diego Noise Element of the General Plan and the County of San Diego Noise Ordinance?

YES  
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NO  
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NOT APPLICABLE  
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The proposal would not expose people to nor generate potentially significant noise levels which exceed the allowable limits of the County of San Diego Noise Element of the General Plan, County of San Diego Noise Ordinance, and other applicable local, State, and Federal noise control regulations.

The project is a two parcel subdivision located in the San Dieguito Community Plan area. The site is located adjacent to Via de Fortuna and approximately 1,700 feet north of La Granada. The project is subject to the County Noise Element which requires an exterior noise level threshold of 60 dBA CNEL for single family residences. Based on the County General Plan Update the nearby roadways are anticipated to have future

traffic of approximately 700 ADT and 14,100 ADT respectively. These roadway segments would be screen by intervening topography and rows of existing homes/structures. Noise attenuation by distance, barrier attenuation from the existing rows of buildings/homes, and intervening topography would adequately reduce future traffic noise levels. Additionally, low level ADT from nearby roadways would expose the project site to substantial traffic noise. Based on these existing site features, staff does not anticipate noise level to exceed the 60 dBA CNEL requirement at the ground level and second story level of the proposed subdivision. Additionally, the project related traffic contributions to nearby roadways would not create any off-site direct and/or cumulative noise impacts. General Plan Noise Element conformance is demonstrated.

The project is also subject to temporary construction noise requirements. The County Noise Ordinance, Section 36.409 allows an eight-hour average 75 dBA sound level limit at the boundary of an occupied structure for the operations of construction equipment. Although existing residences are currently surrounding the site, all grading will take place in one phase per parcel or graded together in one single phase. Grading pads are expected to take approximately 2 weeks and would be balance with no proposed import or export. The construction equipment operations would also be conditioned to comply with the County Noise Ordinance not to exceed the 75 dBA eight-hour average sound level requirement.